

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001	Civil Action No. 03 MDL 1570 (GBD)(FM)
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This document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-cv-9849 (GBD)(SN)

[PROPOSED] ORDER ON PLAINTIFFS'
MOTION TO ADD PARTIES AGAINST THE TALIBAN

Plaintiffs in *Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN) (the “Burnett Plaintiffs”), move to amend their complaint under Federal Rule of Civil Procedure 15, or in the alternative, to permit additional plaintiffs to intervene under Rule 24.

Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its complaint with the court’s leave. Courts are directed to “freely give leave when justice so requires.” *Id.* This decision is committed to the discretion of the court, *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007), but granting “leave to amend is the ‘usual practice,’” *Bank v. Gohealth, LLC*, No. 21-cv-1287, 2022 WL 1132503, at *1 (2d Cir. Apr. 18, 2022) (quoting *Hayden v. Cnty. Of Nassue* 180 F.3d 42, 53 (2d Cir. 1999)). *See Foman v. Davis*, 371 U.S. 178, 182 (1962) (finding that leave to amend should be granted “[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendment previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment....”).

The Burnett Plaintiffs’ motion is GRANTED, and it is further ORDERED that:

- The underlying complaint in *Burnett*, No. 03-CV-8749, is amended to include the parties identified in the *Burnett* Plaintiffs' exhibit at ECF 8679-1 as parties in the action against the Taliban;
- This amendment supplements, but does not displace, the underlying complaint in *Burnett*, No. 03-cv-9849;
- Prior rulings, orders, and judgments entered in this case remain in effect as to all parties; and
- Further service on the Taliban is not required as a result of this amendment, and prior service orders apply, including the Court's order on service by publication at ECF Nos.445, 488.

The Clerk of the Court is respectfully directed to terminate the motion at ECF No. 8677 and the related motion at ECF No. 1046 in *Burnett*, No. 03-cv-9849.

SO ORDERED.

Dated: _____, 2022
New York, New York

SARAH NETBURN
United States Magistrate Judge